

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Statement of Issues Against:

ANDRE CARL PITTS, JR.
6601 Marcelle Street
Paramount, CA 90723

and

1509 Channelwood Drive
Whittier, CA 90601

Occupational Therapy Assistant License

Respondent.

Case No. AR 2006-109

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy as its Decision in this matter.

This Decision shall become effective on initial date of licensure.

It is so ORDERED

Mary McCreary, MBA, OTE/L, FAOTA

FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:

Case No. AR 2006-109

12 ANDRE CARL PITTS
6601 Marcelle Street
13 Paramount, CA 90723

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 and

15 1509 Channelwood Drive
Whittier, CA 90601

16 Occupational Therapy Assistant License

17 Respondent.
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19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
21 above-entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Heather Martin (Complainant) is the Executive Officer of the California
24 Board of Occupational Therapy (Board). Complainant brought this action solely in her official
25 capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State
26 of California, by Gloria A. Barrios, Supervising Deputy Attorney General.

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2. Andre Carl Pitts, Jr., (Respondent) is represented in this proceeding by Fredrick M. Ray, Esq., whose address is 770 The City Drive, Suite 8100, Orange, CA 92868-6927.

3. On or about September 11, 2006, the Board received an application for an Occupational Therapy Assistant License Application¹ from Respondent. On or about August 31, 2006, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on September 25, 2006.

JURISDICTION

4. A Statement of Issues, Case No. AR 2006-109 was filed before the Board and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on September 28, 2007. Respondent timely filed his Notice of Defense contesting the Statement of Issues. A copy of the Statement of Issues, Case No. AR 2006-109 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues, Case No. AR 2006-108. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in
3 the Statement of Issues, Case No. AR 2006-109.

4 9. Respondent agrees that his Occupational Therapy Assistant License
5 application is subject to denial and he agrees to be bound by the Board's imposition of discipline
6 as set forth in the Disciplinary Order below.

7 **CONTINGENCY**

8 10. This stipulation shall be subject to approval by the Board. Respondent
9 understands and agrees that counsel for Complainant and the staff of the Board may
10 communicate directly with the Board regarding this stipulation and settlement, without notice or
11 participation by Respondent or his counsel. Respondent and his counsel understand and agree
12 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
13 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
14 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
15 this paragraph, except for this paragraph, it shall be inadmissible in any legal action between
16 parties, and the Board shall not be disqualified from further action by having considered this
17 matter. The parties understand and agree that facsimile copies of this Stipulated Settlement and
18 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as
19 the originals.

20 **DISCIPLINARY ORDER**

21 In consideration of the foregoing admissions and stipulations, the parties
22 agree that they may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

24 IT IS HEREBY ORDERED that the application of Respondent Andre Carl
25 Pitts, Jr., for licensure as an Occupational Therapy Assistant is hereby granted. Upon successful
26 completion of all licensing requirements, a license shall be issued to Respondent. Said license
27 shall be immediately revoked, the order of revocation stayed, and Respondent is placed on
28 probation for a period of five years subject to the following terms and conditions:

1 1. **Obey All Laws**

2 Respondent shall obey all federal, state and local laws, including all statutes and regulations
3 governing the practice of occupational therapy in California. Respondent shall submit, in
4 writing, a full and detailed account of any and all violations of the law to the Board within five
5 (5) days of occurrence.

6 2. **Compliance With Probation Program And Quarterly Report**
7 **Requirements**

8 Respondent shall fully comply with terms and conditions of the probation established by the
9 Board in its monitoring and investigation of respondent's compliance with probation.
10 Respondent, within ten (10) days of completion of the quarter, shall submit quarterly written
11 reports to the Board on a Quarterly Report of Compliance form obtained from the Board
12 (Attachment A).

13 3. **Personal Appearances**

14 Upon reasonable notice by the Board, respondent shall report to and make personal appearances
15 at times and locations as the Board may direct.

16 4. **Notification of Address And Telephone Number Change(s).**

17 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or
18 mailing address, of his new address and any change in work and/or home telephone numbers.

19 5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice**

20 In the event respondent should leave California to reside or to practice outside the State for more
21 than thirty (30) days, respondent shall notify the Board or its designee in writing, within ten (10)
22 days, of the days of departure and return. All provisions of probation other than the quarterly
23 report requirements, examination requirements, and education requirements, shall be held in
24 abeyance until respondent resumes practice in California. All provisions of probation shall
25 recommence on the effective date of resumption of practice in California.

26 6. **Notification to Employer(s)**

27 When currently employed or applying for employment in any capacity in any health care
28 profession, respondent shall notify his employer of the probationary status of respondent's

1 license. This notification to the current employer shall occur no later than the effective date of
2 the Decision. Respondent shall notify any prospective health care employer of his probationary
3 status with the Board prior to accepting such employment. This notification shall be by
4 providing the employer or prospective employer with a copy of the Board's Statement of Issues,
5 Stipulated Settlement, or Disciplinary Decision (whichever applies).

6 Respondent shall cause each health care employer to submit quarterly reports to
7 the Board. The reports shall be on a form provided by the Board, and shall include a
8 performance evaluation and such other information as may be required by the Board (Attachment
9 B).

10 Respondent shall notify the Board, in writing, within five (5) days of any change
11 in employment status. Respondent shall notify the Board, in writing, within five (5) days if he is
12 terminated from any occupational therapy or health care related employment with a full
13 explanation of the circumstances surrounding the termination.

14 7. Employment Requirements And Limitations

15 During probation, respondent shall work in his licensed capacity in the State of California. This
16 practice shall consist of no less than six (6) continuous months and of no less than twenty (20)
17 hours per week.

18 While on probation, respondent shall not work for a registry or in any private duty
19 position, except as approved, in writing, by the Board. Respondent shall work only on a
20 regularly assigned, identified and predetermined work site(s) and shall not work in a float
21 capacity except as approved, in writing, by the Board.

22 8. Supervision Requirements

23 Respondent shall obtain prior approval from the Board, before commencing any employment,
24 regarding the level of supervision provided to respondent while employed as an occupational
25 therapist or occupational therapy assistant.

26 Respondent shall not function as a supervisor during the period of probation
27 except as approved, in writing, by the Board.

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1 9. **Completion of Educational Requirements**

2 Respondent shall complete continuing education in the area of Ethics, Clinical Documentation,
3 and Customer Care. The continuing education in the area of Ethics shall be completed within
4 one year of the effective date of this Decision. The remaining continuing education shall be
5 completed within two years of the effective date of the Decision. The continuing education shall
6 be in addition to the professional development activities required for certificate renewal.
7 Respondent shall complete the required continuing education course work as follows: one
8 course in Ethics for twelve (12) hours of credit, one course on Clinical Documentation for three
9 (3) hours of credit, one course in Clinical Reasoning for two (2) hours of credit, and one course
10 in Customer Care for three (3) hours of credit, totaling 20 combined hours of continuing
11 education. Within sixty (60) days of the effective date of the Decision, respondent shall submit a
12 written plan to comply with this requirement. The Board shall approve such plan prior to
13 enrollment in any course of study. Failure to satisfactorily complete the required continuing
14 education as scheduled shall constitute a violation of probation. Respondent is responsible for all
15 costs of such continuing education. Upon successful completion of the course(s), respondent
16 shall submit the original certificates to the Board at it's Sacramento address by certified mail,
17 return receipt requested, within thirty (30) days of the completion of the course.

18 10. **Maintenance of Valid License**

19 Respondent shall, at all times while on probation, maintain an active current license with the
20 Board, including any period during which suspension or probation is tolled.

21 11. **Violation of Probation**

22 If respondent violates the conditions of his probation in any respect, the Board after giving
23 respondent notice and opportunity to be heard, may revoke probation and carry out the
24 disciplinary order which was stayed. If an accusation or petition to revoke is filed against
25 respondent during probation, the Board shall have continuing jurisdiction until the matter is final,
26 and the period of probation shall be extended until the matter is final.

27 12. **Completion of Probation**

28 Upon successful completion of probation, respondent's license will be fully restored.

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13. Psychotherapy

Within sixty (60) days of the effective date of the Decision, respondent shall submit to the Board the name of one (1) or more proposed therapists for prior approval. Respondent shall participate in ongoing psychotherapy with a California licensed or legally registered mental health professional approved by the Board. Upon approval by the Board, respondent shall commence psychotherapy and continue until the Board or its designee determines that no further psychotherapy is necessary.

Respondent shall provide the therapist with a copy of the Board's Disciplinary Order no later than the first counseling session. Counseling shall be at least once a month unless otherwise determined by the therapist that the respondent must attend on a more frequent basis.

Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy shall be paid by respondent.

Respondent shall cause the therapist to submit to the Board a written report concerning respondent's psychotherapy status and progress as well as such other information as may be requested by the Board. The initial psychotherapy report shall be submitted with ninety (90) days from the effective date of the Decision. Respondent shall cause the therapist to submit quarterly reports to the Board concerning respondent's fitness to practice, progress in treatment and to provide such other information as may be required by the Board.

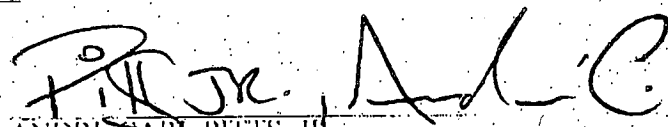
If the therapist finds that respondent is not fit to practice safely, or can only practice with restrictions, the therapist shall notify the Board, in writing, within five (5) working days. The Board shall notify respondent in writing of the therapist's determination of unfitness to practice and shall order the respondent to cease or restrict licensed activities as a condition of probation.

Respondent shall comply with this condition until the Board is satisfied of respondent's fitness to practice safely and has so notified respondent. Respondent shall document compliance with this condition in the manner required by the Board.

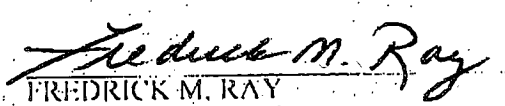
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ACCEPTANCE


I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Occupational Therapy Assistant License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Occupational Therapy.

DATED: Aug. 1, 2008
ANDRIE CARL PITTS, JR.
Respondent

I concur with this Stipulated Settlement and Disciplinary Order.

DATED: 8/4/2008
FREDRICK M. RAY
Attorney for RespondentENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Occupational Therapy.

DATED: 8/6/08EDMUND G. BROWN JR., Attorney General
of the State of CaliforniaKAREN B. CHAPPELLE
Supervising Deputy Attorney General
GLORIA A. BARRIOS
Supervising Deputy Attorney General

Attorneys for Complainant